

FEB. 21. 2006 5:00PM MOFO 28TH FL

NO. 259 P. 1

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To:

NAME:	FACSIMILE:
MS Amendment Patent and Trademark Office	(571) 273-8300

FROM: Michael R. Ward  
Reg. No. 38,651

DATE: February 21, 2006

Number of pages with cover page:	24	
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**Comments:**

ATTORNEY DOCKET NO.: 416272003700  
SERIAL NO.: 10/664,513  
FILING DATE: September 16, 2003  
INVENTOR: Marc K. HELLERSTEIN  
TITLE: BIOCHEMICAL METHODS FOR MEASURING METABOLIC FITNESS OF TISSUES  
OR WHOLE ORGANISMS  
ART UNIT: 1655  
EXAMINER: R. J. Gitomer

**Papers attached herewith:**

1. Transmittal (1 page)
2. Fee Transmittal, in duplicate for fee processing (2 pages)
3. Response to Office Action (19 pages)
4. Petition for Extension of Time (1 month) - (1 page)

sf-2070322

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PAGE 1/24 \* RCVD AT 2/21/2006 7:59:23 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/24 \* DNIS:2738300 \* CSID:415 2687522 \* DURATION (mm:ss):06:30

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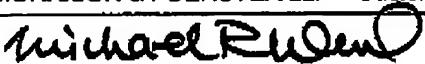
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0561-0091  
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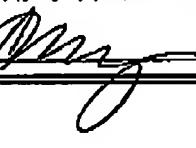
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number <b>10/664,513</b>
Total Number of Pages in This Submission <b>23</b>	Filing Date <b>September 16, 2003</b>	First Named Inventor <b>Marc K. HELLERSTEIN</b>
	Art Unit <b>1655</b>	Examiner Name <b>R.J. Gitomer</b>
		Attorney Docket Number <b>416272003700</b>

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate for fee processing ~ 2 pages) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (19 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (1 page) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Facsimile cover sheet, not included with this page count.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP – Customer No. 20872		
Signature			
Printed name	Michael R. Ward		
Date	February 21, 2006	Reg. No.	38,651

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: February 21, 2006

Signature:  (Leah Kjellen)

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PTO/SB/17 (12-04v2)

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<b>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4812).</b>		<b>Complete If Known</b>	
<b>FEE TRANSMITTAL For FY 2005</b>		Application Number	10/664,513
		Filing Date	September 16, 2003
		First Named Inventor	Marc K. HELLERSTEIN
		Examiner Name	R.J. Gitomer
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1655
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No. 416272003700	

**METHOD OF PAYMENT (check all that apply)**

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account		Deposit Account Number: 03-1952	Deposit Account Name: Morrison & Foerster LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments		

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

		Small Entity Fee (\$)
		50
		200
		360

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 =	x	=	0.00			
- 3 =	x	=	0.00			

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	0.00

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1252 Extension for response within first month 60.00

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone
Signature	<i>Michael R. Ward</i>	38,651	(415) 268-8237
Name (Print/Type)	Michael R. Ward	Date	February 21, 2006

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